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10 **UNITED STATES BANKRUPTCY COURT**  
11 **DISTRICT OF NEVADA**

12 In re  
13 EXECUTIVE PLASTERING, INC.,  
14  
15 Debtor

Case No. 09-33776-BTB  
Chapter 7

Hearing Date: February 3, 2015  
Hearing Time: 1:30 p.m.

16 **MOTION FOR AUTHORITY TO**  
17 **DESTROY RECORDS AND TO PAY**  
18 **FOR SERVICES RENDERED POST-**  
19 **PETITION**

20 William A. Leonard Jr., Chapter 7 Trustee, by and through his counsel, TIMOTHY  
21 S. CORY & ASSOCIATES, respectfully move this Court pursuant to 11 U.S.C. §§105,  
22 503, & 725 for an order authorizing him to have certain financial and business records  
23 destroyed. The Trustee also seeks an order authorizing him to pay \$1411.00 to the  
24 company that will provide the record destruction services, as an administrative claim under  
25 11 U.S.C. §503(b)(1)(A). This Motion is supported by the following memorandum of  
26 points and authorities, the Declaration of Trustee in Support of Trustee's Motion to Destroy  
Records and to Pay Assured Document Destruction for Services Rendered Post-Petition  
(the "Trustee Declaration"), filed contemporaneously herewith, and any argument or  
evidence to be presented at the hearing on this Motion.

WHEREFORE, the Trustee respectfully requests that this Court enter an order:

(i) authorizing the Trustee to have certain financial and business records destroyed; and (ii) authorizing the Trustee to pay Assured Document Destruction \$1411.00 as an administrative claim for its post-petition services of destroying the financial and business records.

DATED: December 29, 2014

/s/ Timothy S. Cory  
 Timothy S. Cory, Esq.  
 Timothy S. Cory & Associates  
 Attorneys for Chapter 7 Trustee

## POINTS AND AUTHORITIES

### I. FACTS

1. Executive Plastering, Inc., the above-named debtor (the “Debtor”), commenced this case by filing a voluntary petition under Chapter 7 of the Bankruptcy Code on December 21, 2009. See Trustee Declaration, ¶5.

2. William A. Leonard, Jr., (the “Trustee”) is the duly appointed Chapter 7 trustee in this case. See Trustee Declaration, ¶1.

3. The Debtor was in the business of construction. See Trustee Declaration, ¶6.

4. 623 boxes of business and financial records (the “Records”) were recovered from the Debtor and reviewed for information leading to the filing of 26 adversary proceedings for recovery of preference payments. See Trustee Declaration, ¶7-8.

5. All adversary proceedings have been resolved and the Trustee is preparing to close out this case. See Trustee Declaration, ¶8.

6. The cost to destroy the records is \$1411.00 (\$1283.00 for document shredding and \$128 for box removal). Therefore, by this Motion the Trustee is also seeking authority to pay a total of \$1411.00 to Assured Documents Destruction for its post-petition services of destroying the Records. See Trustee Declaration, ¶9.



**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Timothy S. Cory & Associates and that on the 23rd day of December, 2014, I caused to be served a true and correct copy of the **MOTION FOR AUTHORITY TO DESTROY RECORDS AND TO PAY FOR SERVICES RENDERED POST-PETITION** in the following manner:

☒ **a. Electronic Service**

Under Administrative Order 02-1 (Rev. 8-31-04) of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by that Court's facilities.

☐ **b. United States Mail**

By depositing a copy of the above-referenced document for mailing in the United States Mail, first class postage prepaid, at Las Vegas, Nevada, to the parties listed on the attached service list, at their last known mailing addresses, on the date above written.

☐ **c. Facsimile Transmission**

By facsimile to the facsimile numbers indicated, to those persons listed on the attached service list, on the date above written. No error was reported by the facsimile machine that I used.

☐ **d. Personal Service**

☐ For a party represented by an attorney, delivery was made by handing the documents to the attorney or by leaving the documents at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the documents in a conspicuous place in the office, on the date written above.

☐ For a party, delivery was made by handing the documents to the party or by leaving the documents at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there, on the date written above.

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**I declare under penalty of perjury that the foregoing is true and correct.**

Dated: December 29, 2014.

/s/ Suzanne Alexander  
Suzanne Alexander  
An Employee of Timothy S. Cory & Associates

**PROPOSED ORDER**

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**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re

EXECUTIVE PLASTERING, INC.,

Debtor

Case No. 09-33776-BTB  
Chapter 7

Hearing Date: February 3, 2015  
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**ORDER GRANTING MOTION FOR  
AUTHORITY TO DESTROY  
RECORDS AND TO PAY FOR  
SERVICES RENDERED POST-  
PETITION**

The Trustee's Motion for Authority to Destroy Records and to Pay for Services Rendered Post-Petition (the "Motion") came on for hearing before this Court on February 3, 2015 at 1:30 p.m., the Court having reviewed and considered the Motion and related pleadings, and due notice of the Motion and the hearing of the Motion having been given to all parties entitled thereto, and

1 having heard the argument of counsel at the hearing on the Motion, at which time all parties in  
2 interest were afforded an opportunity to be heard, and for the reasons stated orally and recorded  
3 in open court that shall constitute the decision of the Court pursuant to Rule 7052 of the Federal  
4 Rules of Civil Bankruptcy Procedure, and good cause appearing, it is hereby:

5 **ORDERED** that the Motion is **GRANTED**; it is further

6 **ORDERED** that the Trustee is authorized to have 623 storage boxes of the Debtor's  
7 financial and business documents (the "Records") destroyed; it is further

8 **ORDERED** that the Trustee is authorized to pay Assured Document Destruction \$1411.00  
9 as an administrative claim for its post-petition services of destroying the Records.

10 **IT IS SO ORDERED.**

11  
12 Respectfully submitted by:

13 TIMOTHY S. CORY & ASSOCIATES

14  
15 /s/ Timothy S. Cory  
16 Timothy S. Cory, Esq. (1972)  
17 8831 West Sahara Avenue  
18 Las Vegas, Nevada 89117  
19 *Attorney for Chapter 7 Trustee*

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